



**MINUTES OF THE CITY COUNCIL MEETING
OF THE CITY OF HAYWARD
City Council Chambers
777 B Srteet, Hayward, CA 94541
Tuesday, February 14, 2006, 8:00 p.m.**

MEETING

The Meeting of the City Council was called to order by Mayor Cooper at 8:00 p.m., followed by the Pledge of Allegiance led by Council Member Quirk.

ROLL CALL

Present: COUNCIL MEMBERS Quirk, Jimenez, Halliday, Ward, Dowling, Henson
MAYOR Cooper
Absent: COUNCIL MEMBERS None

PRESENTATION

Pride in Hayward Award

Mayor Cooper presented the February Pride in Hayward Award to the following Hayward residents from Hayward Highlands Neighborhood: Richard and Nancy Wantiez, Virginia Ruzek, Odis and Ladine Ford, Peter and Liza Meyer, and Nicholas and Lisa Cruz. She thanked each for taking pride in their homes by maintaining their property and adding to the beauty of the City of Hayward. She urged residents to nominate families with well-maintained homes in their neighborhoods.

PUBLIC COMMENTS

There were no requests to speak.

CONSENT

1. Approval of the Minutes of the City Council Meeting of February 7, 2006

It was moved by Council Member Ward, seconded by Council Member Henson, and carried unanimously, to approve the minutes of the City Council Meeting of February 7, 2006.

2. Adoption of Ordinance Repealing Article 7 of Chapter 4 of the Hayward Municipal Code and Enacting a New Ordinance Relating to Alarms in the City of Hayward

Staff report submitted by City Clerk Reyes, dated February 14, 2006,
was filed.

It was moved by Council Member Ward, seconded by Council Member Henson, and carried unanimously, to adopt the following:

Ordinance 06-04, "Ordinance Repealing Article 7 of Chapter 4 of the Hayward Municipal Code and Enacting a New Ordinance Relating to Alarms in the City of Hayward"

3. Authorization for the City Manager to Execute a Ground Lease with Browman Development Inc., for City Property Located at the Southwest Corner of Hesperian Boulevard and Sueirro Street

Staff report submitted by City Manager Armas, dated February 14, 2006, was filed.

It was moved by Council Member Ward, seconded by Council Member Henson, and carried unanimously, to adopt the following:

Resolution 06-013, "Resolution Authorizing the City Manager to Execute a Ground Lease and All Related Documents with Browman Development, Inc., for Development of Airport Property on the Southwest Corner of Hesperian Boulevard and Sueirro Street"

Resolution 06-014, "Resolution Amending Resolution 05-80, as Amended, the Budget Resolution for Capital Improvement Projects for Fiscal Year 2005-06, Relating to an Appropriation of Funds from the Airport Capital Improvement Fund, Fund 632, to the Real Estate Transaction Fund Relating to the Ground Lease with Browman Development, Inc., for Development of Airport Property"

4. Eden Shores East Residential Project - Approval of Partial Assignment and Assumption of Mount Eden Business and Sports Park Community Development Agreement from Hayward Oliver Owners, LLC, to Standard Pacific Corporation and SCC-Canyon II, LLC

Staff report submitted by City Manager Armas, dated February 14, 2006, was filed.

It was moved by Council Member Ward, seconded by Council Member Henson, and carried unanimously, to adopt the following:

Resolution 06-015, "Resolution Approving the Partial Assignment and Assumption of the Mount Eden Business and Sports Park Community Development Agreement as it Related to the Eden Shores East Residential Project"

LEGISLATIVE BUSINESS



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5. Authorization to Extend Current Franchise with Waste Management of Alameda County by One Year, and Develop Request for Proposals for Collection and Disposal Services

Staff report submitted by Deputy Director of Public Works Ameri dated February 14, 2006, was filed

Director of Public Works Bauman made the report, noting that subsequent to the distribution of the agenda report, some additional information will be provided by City Manager Armas.

City Manager Armas stated that there have been further discussions with Waste Management and negotiations were suspended due to the lack of specific financial information, but that Waste Management now has garnered that information. He asked for authorization to continue discussions to resolve the matter and perhaps reach a mutual agreement in the next six to eight weeks. Staff will return to Council to discuss its approval or continue the next steps as reported in the agenda report to utilize the services of a consultant.

Council Member Henson urged further discussions as requested by City Manager Armas. He commented on the current contract that offered waste management programs.

City Manager Armas reported that our current franchise provided the economic ability to participate with green waste. In exchange residents were asked to wheel their containers to the curb. Agencies have embarked on new programs that exceed what Hayward offers its resident, in particular related to recycling. Hayward needs to make it convenient for residents to maximize recycling, enhancing the current services and keeping costs at a good level.

Council Member Jimenez asked about the ten year contract. He recommended authorizing the City Manager to negotiate the contract.

It was noted that the contract expires in 2007, and this is an effort to provide an extension to that contract, and if another vendor is selected, there would be sufficient time to transition to a new vendor.

Council Member Halliday inquired whether a consultant would still be needed if an agreement is reached. She emphasized that an additional work session would provide opportunity for homeowners to comment and provide feedback. She asked whether the 50 percent diversion State mandate is being met.

City Manager Armas stated that the City has met those goals. The City has been proactive to develop programs that go beyond that goal. He reminded Council of the deconstruction ordinance to recycle

more construction materials in the business sector. Staff is willing to explore other programs that other jurisdictions are offering. He agreed with conducting a work session for public input.

Council Member Ward commented on the current contract and how it was a dramatic change in waste pickup for the community and asked what other changes might occur.

In response, City Manager Armas stated that there is an opportunity to do more in the multi-family complexes, although there may be a challenge due to the type of containers and the limited space. There is opportunity to offer subsidies to some businesses to increase recycling. Neighboring cities have instituted food waste recycling although there are some health issues, and the yield is not as high.

Council Member Ward asked about individuals who remove recyclables prior to pickup for their own benefit. City Manager Armas stated that other jurisdictions are using a single container where all recyclables are all comingled, which could be a deterrent to scavengers. With the extension, staff has the benefit of some of the neighboring jurisdictions who have gone through the competitive process.

Council Member Quirk agreed with having an additional work session for public input. He commented on the need for sites to drop off batteries. City Manager Armas stated that information is frequently distributed regarding recycling and the battery issue is one to develop for a subsequent mailing. In response to Council Member Quirk's inquiry on whether to continue negotiations or seek competitive bidders, City Manager Armas reported that the last bidding process resulted in only two bids. He commented that the competitive bidding process requires extensive staff time. The current provider has been accountable, knows the community and overall has done a good job for Hayward residents. For these reasons, it is worth the effort to continue negotiations and the competitive process is always available.

Council Member Dowling suggested that a work session be conducted in the evening hours for greater input from homeowners and would be televised. This would be a good opportunity to survey our residents on what they want.

Mayor Cooper asked about composting and thought that it would be helpful to have demonstrations on this subject. It was noted that it is a form of recycling. There is an organization called Stop Waste that is available and offers the composting bins at a reasonable cost to our residents.

Council Member Henson noted that as the City's representative on the Alameda County Waste Management Authority, the Authority has presented programs that provide demonstrations on composting and offers the compost bins at a minimal cost.

Mayor Cooper opened the public hearing at 8:28 p.m.

David Tucker, Municipal Affairs Manager, representing Waste Management, stated that Bob Angel, District Manager, is also present this evening. He reported that specific financial data was not available during the past two months due to severe financial impacts caused by increased costs of fuel, labor, and the economic impacts of the recent hurricanes.



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Council Member Henson asked whether alternative fuel vehicles are being considered and was informed that Waste Management is exploring all options and is prepared to discuss that matter.

Mayor Cooper closed the public hearing at 8:33 p.m.

Council Member Ward moved to accept the staff recommendation and, absent an agreement by April, proceed with the RFP process. He also moved to authorize the City Manager to continue negotiations with Waste Management for the next six to eight weeks.

City Manager Armas announced that a he could tentatively schedule another discussion for March 7 and provide opportunity for public input.

It was moved by Council Member Ward, seconded by Council Member Henson, and unanimously carried to adopt the following and authorize the City Manager to continue contract negotiations:

Resolution 06-016, "Resolution Exercising the Option to Extend By One Year the Current Franchise Agreement for Solid Waste and Recycling Services with Waste Management of Alameda County"

COUNCIL REPORTS

There were no Council Reports; however, Mayor Cooper announced that the Hayward Honor Band will be performing on February 26 at 2 p.m. at Chabot College.

Council Member Dowling thanked staff and City Manager Armas for updating the City's website by providing information for disaster preparedness. He noted how essential it is to have a 72-hour supply of provisions in case of disaster.

City Manager Armas stated that staff will be bringing forward a request to re-allocate funding for the continuance of the CERT Program that offers disaster preparedness training to residents.

ADJOURNMENT

Mayor Cooper adjourned the meeting at 8:37 p.m.

DRAFT

APPROVED:

Roberta Cooper, Mayor, City of Hayward

ATTEST:

Angelina Reyes, City Clerk, City of Hayward